

The Family Educational Rights and Privacy Act
SUMMARY OF RIGHTS AND PROCEDURES

On June 17, 1976, the rules and regulations applying to the Family Educational Rights and Privacy Act of 1974, section 438 of the General Education Provisions Act, became final. The Act deals with students' rights of access to their official educational records. Basically, the legislation gives any student or former student the right to inspect, review and copy his or her permanent records.

The Act includes a list of types of records not open to student inspection. These are parents' financial statements; confidential letters and recommendations written before January 1, 1975; letters and recommendations written after January 1, 1975 but specifically designated as confidential; ancillary records of instructional, supervisory and administrative personnel; confidential law enforcement records; and records written by physicians, psychiatrists, psychologists, and other recognized professionals or paraprofessionals. Students and former students may request a doctor of their choice to review their medical records.

Colleges are allowed to publish "directory information" including the student's name, address, telephone number, e-mail address, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended.

Administrators, faculty, and members of established college committees who have legitimate educational interest may have access to students' and former students' files without prior consent. Specific federal, state and local officials and educational agencies conducting studies are also permitted access for definite reasons provided that personally identifiable data are not transferred to anyone else. In addition, proper parties concerning application for or receipt of financial aid have access. The department will forward a student's education records on written request to another school in which the student seeks or intends to enroll. Prior consent for disclosure of personally identifiable information is not required when the information is needed in connection with a health or safety emergency; or is to comply with a judicial order or lawfully issued a subpoena after a reasonable effort to notify the student is made.

Except as above described the Department of Philosophy must obtain written consent of the student before disclosing personally identifiable information from the educational records. Such consent must be signed and dated by the student. It must include a specification of the records to be disclosed, the purpose or purposes of the disclosure, and the party or class of parties to whom the disclosure may be made.

A student, former student, or applicant for admission may waive any of his or her rights under the Act by executing a written signed waiver. Such a waiver may be revoked with respect to any action occurring after the revocation. The revocation must be in writing and signed by the student.

Students or former students may gain access to their credential files in the Philosophy Department Office only if they have established a non- confidential (or open) file. Upon request, their open credential file will be made available for their inspection.

A student or former student believing information contained in his or her education record is inaccurate, misleading, or in violation of his or her privacy or other rights may request the Marquette University Department of Philosophy to amend the record. Such a request must be in writing and clearly state the error as well as the correction. If no mutual agreement is reached within a reasonable time the student or former student may request a formal hearing in order to challenge the content of his or her education record. If a student feels that a letter or any other part of his or her file is inaccurate, he/she has the right to a statement in writing, and that statement must be included and sent out with other materials in the credential file. If the writer of a letter of recommendation wants to amend the letter, the writer should contact the student to inform him/her that an amended letter of recommendation will be placed in the student's file.

(Printed in compliance with the Family Educational Rights and Privacy Act Policies)